

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 COREY HAMILTON,

4 Plaintiff

Case No. 3:19-cv-00617-MMD-CLB

5 v.

6 RICHARD SNYDER, *et al.*,

7 Defendants

ORDER

8
9 **I. DISCUSSION**

10 On October 9, 2019, Plaintiff, an inmate in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On October 10,
13 2019, this Court issued an order denying the application as incomplete and directed
14 Plaintiff to file a fully complete application to proceed *in forma pauperis* and attach both
15 an inmate account statement for the past six months and a properly executed financial
16 certificate or pay the full filing fee within 30 days from the date of that order. (ECF No. 3).
17 On November 15, 2019, Plaintiff filed an application to appeal *in forma pauperis*. (ECF
18 No. 5). On December 18, 2019, the United States Court of Appeals for the Ninth Circuit
19 dismissed Plaintiff's appeal for lack of jurisdiction because the order challenged in the
20 appeal was not final or appealable. (ECF No. 9). As such, Plaintiff's application to
21 proceed *in forma pauperis* remains incomplete.

22 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
23 application to proceed *in forma pauperis* and attach both an inmate account statement
24 for the past six months and a properly executed financial certificate. Plaintiff has not
25 submitted a properly executed financial certificate on the correct form or an inmate
26 account statement for the past six months. The Court will retain Plaintiff's civil rights
27 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee
28 is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies of his

1 application to proceed *in forma pauperis* by filing a properly executed financial certificate
2 on the correct form and an inmate account statement for the past six months, or in the
3 alternative, pay the full \$400 filing fee for this action. If Plaintiff fails to file a properly
4 executed financial certificate on the correct form and an inmate account statement for the
5 past six months, the Court will dismiss the case in its entirety, without prejudice, to file a
6 new case when Plaintiff is able to acquire the necessary documents to file a complete
7 application to proceed *in forma pauperis*.

8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
10 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
11 as the document entitled information and instructions for filing an *in forma pauperis*
12 application.

13 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
14 Plaintiff will either: (1) file a properly executed financial certificate on the correct form and
15 an inmate account statement for the past six months in compliance with 28 U.S.C. §
16 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
17 fee and the \$50 administrative fee).

18 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a properly executed
19 financial certificate on the correct form and an inmate account statement for the past six
20 months, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case
21 when he is able to acquire the necessary documents to file a complete application to
22 proceed *in forma pauperis*. IT IS SO ORDERED.

23 DATED: December 23, 2019.

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25 UNITED STATES MAGISTRATE JUDGE
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